

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 4958 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may
be allowed to see the judgment ?

2 To be referred to the Reporter or not
?

3 Whether their Lordships wish to see
the fair copy of the judgment ?

Whether this case involves a
substantial question of law as to the
4 interpretation of the constitution of
India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the
civil judge ?

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MF PATHAN - Petitioner(s)

Versus

STATE OF GUJARAT & 17 - Respondent(s)

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Appearance :

MR GAURANG H BHATT for Petitioner(s) : 1,

MR DIPEN DESAI AGP for Respondent(s) : 1 - 2.

NOTICE SERVED for Respondent(s) : 3 - 18.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 21/03/2007

ORAL JUDGMENT

1. By way of this petition under Article 226 of the Constitution of India the petitioner was at the relevant time serving as Circle Officer/Dy.Mamlatdar has prayed for an appropriate writ, direction, order quashing and setting aside the impugned order of reversion of the petitioner from the post of Circle Officer/Dy.Mamlatdar to the lower post issued by the respondent No.2 dated 8.7.1997.

2. It appears from the record that while admitting the present Special Civil Application and considering the order passed by the Division Bench of this Court dated 28th August, 1994 passed in Letters Patent Appeal No.728/97, the learned Judge granted the interim relief in terms of paragraph 16 (B) i.e. staying the operation, implementation and execution of the impugned order of reversion dated 8.7.1997 which has been continued till date.

3. Today when the matter is called out Shri Dipen Desai, learned AGP under the instruction from Shri

Makwana, Assistant Chitnis to the Collector Office, Sabarkantha at Himmatnagar has submitted that in near future the petitioner is not required to be reverted. Under the circumstances and in view of the above statement the present Special Civil Application is disposed of as at present the cause does not survive. However, it is observed that in future if there is any occasion in eventuality and the petitioner is to be reverted, the same shall be done with prior intimation of 10 days of actual reversion to the petitioner so that if at all the petitioner is caused and wants to challenge the same, the same can be challenged before appropriate forum. With this, the present Special Civil Application is disposed of. Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

[M.R.Shah, J.]

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